

**Minutes**  
**Bar Harbor Town Council**  
**February 3, 2009**

- I. CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Ruth Eveland, Robert Garland, Paul Paradis, Sandy McFarland, Julia Schloss, Greg Veilleux, Robert Jordan, Jr.; and Town Manager Dana Reed.

**A. Excused Absence(s)** – *All present*

**II. APPROVAL OF MINUTES**

**A.** *January 20, 2009 – Regular Meeting*

**B.** *January 22, 2009 – Special Meeting*

**C.** *January 27, 2009 – Special Meeting*

**D.** *January 29, 2009 – Special Meeting*

Councilor Eveland amended page 2 item E of the January 20<sup>th</sup> minutes to read: “the \$8,000 cost be raised”. Mr. Paradis, with second by Ms. Schloss, moved to approve the minutes of the January 20, 2009 regular meeting as amended and the January 22, 2009, January 27, 2009, and January 29, 2009 special meetings as presented. Motion passed 7-0.

- III. ADOPTION OF AGENDA** – Mr. Paradis, with second by Mr. Veilleux, moved to adopt the agenda as presented. Motion passed 7-0.

- IV. FINANCIAL STATEMENTS:** *(Customarily presented at the second meeting each month)*

- V. PUBLIC HEARINGS:** *(None Scheduled)*

**VI. REGULAR BUSINESS:**

**A. Local Option Tax** – *Request of State Representative Elspeth Flemings for input on draft legislation.* – State Representative Elspeth Flemings reported that there were a number of representatives pursuing the idea of a local option tax and that there were a number of legislative proposals being drafted. She was seeking Town Council’s ideas and comments. Her current draft legislation was for a 2% tax for lodging, with shared revenue to the State and county with no restrictions on to municipal use. Council and Representative Flemings thanked each other for the opportunity to exchange ideas and comments. Representative Flemings will return to Augusta following further comments from other sources as suggested by Council, and cautioned that this legislation was being moved forward but it may take several sessions.

**B. Committee Consultations** – *Discussion of current projects, future plans and any support needed from Town Council*

1. **Design Review Board** - Member Barbara Sassaman reported that the board does not have anything new to report. They do their

standard duties with the exception of the recent drafted sign ordinance which will be discussed later in the meeting. She stated they are not opposed to meeting with Council but suggested other methods or conditions in which to report, such as reporting less to Council or on an as needed basis if either party had something to report or request. They also suggested one meeting with all committees giving their reports so each committee could hear what other boards were doing.

2. **Cruise Ship Study Task Force** –Paul Paradis, Chair of the CSSTF, stated the next agenda item would summarize the committees work and suggested moving to the next item.

**C. Cruise Ships** – *Recommendations of the Cruise Ship Study Task Force:*  
Chair of the CSSTF Paul Paradis explained each of the items below and upon discussion, the following action was taken:

1. *To increase directional signage* – Mr. Paradis, with second by Mr. Veilleux, moved to direct staff to install a sign at the intersection of Mount Desert and Main Street indicating the direction to the Town pier as well as purchase portable signage to facilitate drop off and loading/boarding areas. These signs should be kept generic in nature to facilitate alternate uses when needed. These signs should use international symbols where possible. Motion passed 7-0.
2. *To dedicate some Port Development Fees for sidewalk accessibility* – This is being addressed in the proposed FY10 Budget.
3. *Make West Street one-way westbound on Cruise Ship days* –
4. *Eliminate four taxi stands at Harbor Place on Cruise Ship days*
5. *Eliminate the two westerly parking spaces at Harbor Place on Cruise Ship days*
6. *Create a pickup/drop-off area at Harborview Park on Cruise Ship days*

Mr. Paradis, with second by Mr. Veilleux, moved that on Cruise Ship Days only:

- a. West Street be made one-way from the Town Pier to the Main Street intersection with traffic flowing westerly.
- b. Eliminate the four dedicated Taxi/Tours stands in front of Harbor Place.
- c. Dedicate the two western parking spaces in front of Harbor Place to information, pedestrian overflow and other public services. There will be no vehicle parking in this area.
- d. The parking spaces in Harborview Park be deemed a ground transportation area for pickup and drop only. This area is on a first come first serve basis with maximum standing of ten minutes. Motion passed 7-0.

7. *Request the Town Manager to study changing Harborview Park parking to parallel, rather than diagonal, to open pedestrian spaces.* - Mr. Paradis, with second by Mr. Veilleux, moved to direct staff to study changing Harborview Park parking to parallel, rather than diagonal, to open pedestrian spaces. Motion passed 7-0.

**D. Resolution** – *Request of MDI YWCA Executive Director Benita McMullen for passage of a proclamation declaring February 7 as YWCA Dress Red Day to improve awareness of women and heart disease.* – Mr. Paradis, with second by Mr. McFarland, moved to sign the Proclamation of the Bar Harbor Town Council as presented declaring February 7 as YWCA Dress Red Day to improve awareness of women and heart disease. Motion passed 7-0.

**Proclamation  
of  
Bar Harbor Town Council**

Whereas, YWCA Dress Red celebrates the extraordinary progress in women's heart health and recognizes that more needs to be done on Mount Desert Island to safeguard women's health for generations to come.

Whereas, Heart disease is the #1 killer of women and one in four American women dies of heart disease.

Whereas, Most women do not know that heart disease is a woman's problem and they do not take it seriously.

Whereas, The risk factors for heart disease are smoking, high blood pressure, high cholesterol, overweight/obesity, physical inactivity, diabetes, a family history of early heart disease, and age.

Whereas, Women can promote their own heart health and prevent disease and illness by taking steps to prevent and control the heart disease risk factors.

Whereas, Keeping women healthy and promoting awareness of women's health issues, including heart health, is an important responsibility and depends on the actions of many organizations and groups in our community.

Whereas, Women's health remains a priority for families, communities, and government, and our commitment to keeping women healthy is stronger than ever.

Whereas, *The Heart Truth* campaign and its Red Dress symbol are building awareness of women's heart disease risk and empowering them to reduce their risk and prevent heart disease.

Therefore, Mount Desert Island women need to take action to make heart health a priority for themselves and their families, become aware of their heart disease risk, and take action to control their risk.

Now, therefore, The Bar Harbor Town Council do hereby proclaim February 7, 2009 as YWCA Dress Red Day and encourage all citizens to work together to promote and improve the health of women and increase awareness and understanding of women and heart disease.

---

- E. Surplus Property Policy** – *Request of the Town Manager for an amendment to streamline sale of small value surplus items.* – Mr. Paradis, with second by Mr. Veilleux, moved to order that the Town's Surplus Property Policy be amended to reflect changes in disposal options of nominally valued equipment. Motion passed 7-0.

---

**Surplus Property Policy****February 3, 2009**

Town of Bar Harbor

Any and all real and personal property purchased with Town funds or donated to the Town is an asset of the Town of Bar Harbor. As a Town asset, it is improper for any Town employee or other person to use or dispose of Town property, except as outlined in this policy. As a general rule, we need to assure the public that we are safeguarding the Town's assets in a secure and responsible manner. In order to be good stewards of these assets, it is important that we, as Town employees, keep Town property safe from theft or misappropriation.

**1. Disposal**

Personal property having various values shall be disposed of as stated below:

**A. No Value** – Personal property which a reasonable person would feel no longer has any value, may be discarded by any Town employee by depositing it in the Town's solid waste stream, that is, by throwing it in the trash can or hauling it to the Transfer Station for disposal. If anyone has stated an interest in acquiring the property, then it cannot be assumed that it has no value.

**B. Nominal Value** – Personal property which a reasonable person would feel is at the end of its useful life, but that the cost of disposal exceeds any sales value, shall be considered of "nominal value" and may be sold, donated or discarded at the discretion of the Town Manager.

**C. Substantial Value** – Personal property which a reasonable person would feel has remaining value in excess of the nominal value defined above may be disposed of only upon the approval of the Town Council.

**2. Transfer**

Personal property may be transferred between Town departments, including the School Department, without any action on the part of the Town Council. Transfer of property to any governmental organization outside of the Town of Bar Harbor or to any non-profit organization requires the approval of the Town Council.

**3. Public Records**

Records of Town business may be disposed or transferred only by the Town Clerk, in accordance with State Law.

**4. Intellectual Property**

Computer programs, structural drawings and the like, which have been developed by persons being paid by the Town, are to be considered intellectual property of the Town and shall only be transferred upon terms approved by the Town Manager.

---

**F. Economic Development Task Force:**

- 1. Bylaws** – *Request of the Town Manager for amendment of the EDTF bylaws to clarify Chamber representation and reduce meeting frequency.* – Mr. Paradis, with second by Mr. Veilleux, moved to amend the Bylaws of the Economic Development Task Force as

presented in the staff proposal dated February, 3, 2009. Motion passed 7-0.

## **Bylaws of the Economic Development Task Force**

### **I. PURPOSE**

The purpose of the Economic Development Task Force is to advise the Town Council on initiatives related to economic development and downtown improvements.

### **II. OBJECTIVE**

The objective of the Economic Development Task Force is to forward the economic development Goals, Policies and Strategies in the Comprehensive Plan as well as any other goals the Town Council may assign as economic development initiatives. This task force will be the lead agency as an advisor on implementation of economic development projects as outlined in the Bar Harbor Comprehensive Plan, to finalize implementation of the 2000 Downtown Master Plan and any other pertinent documents and economic development initiatives, or projects as may be requested by the Town Council.

### **III. GOAL**

The goal of the Economic Development Task Force is to prepare an economic development plan, finalize implementation of 2000 Downtown Master Plan, and work on other projects related to economic development practices as approved and requested by the Town Council.

### **IV. REPORTING**

The Task Force shall meet with the Town Council every 12 weeks to submit a verbal and written progress report. An annual written report aligned with the reporting requirements in the Implementation Plan for the Comprehensive Plan shall be submitted and presented verbally to the Council. Request for action by the Task Force may be submitted at any time to the Town Council for review.

### **V. STAFF SUPPORT**

As assigned by the Town Manager, the Planning Department shall function as the primary professional and administrative support to this Task Force; however, services and support from the Code Enforcement, Harbormaster's Office, the Department of Public Works and the Police and Fire Departments may also be utilized as assigned by the Town Manager.

### **VI. TASK FORCE COMPOSITION**

1. The Task Force shall be composed of 13 members, including:
  - a. 1 Chamber of Commerce Board member or its designee
  - b. 1 Bar Harbor Bed & Breakfast Association member
  - c. 1 Bar Harbor Merchant's Association representative
  - d. 1 Resident working in the real estate industry
  - e. 1 Resident representing "anchors" in the downtown. (These anchors include, but are not limited to the financial institutions, the Abbe Museum, MDI Hospital, Jesup Library, and other similar institutions or facilities of the Town Council's choosing.)
  - f. 1 Resident business owner of the downtown district (business districts or the Downtown Residential district)
  - g. 1 Resident business owner of the Town Hill districts
  - h. 1 Resident business owner on Route 102
  - i. 1 Resident business owner on Route 3, outside of the downtown
  - j. 1 Resident member representing Acadia National Park
  - k. 1 Resident member representing Jackson Laboratory
  - l. 1 Resident member representing College of the Atlantic
  - m. 1 Resident member representing the MDI Biological Laboratory

2. For purposes of this task force membership, the term “resident” shall mean the individual is a registered voter in the Town of Bar Harbor and additionally the term “business owner” may include a former business owner in Bar Harbor as well as a current business owner.
3. For organization representatives, the respective organization shall nominate a candidate for possible appointment by the Council. The terms of all members shall expire on June 30 of each year.
4. Resource groups are other standing committees or Boards that shall be notified of all meetings and provided agendas in order to allow ample opportunity for active participation and coordination in the work of this Task Force. Individuals may also serve as resources by request to the Planning Department for placement on a mailing list. Resource groups are:
  - a. Planning Board
  - b. Design Review Board
  - c. Harbor Committee
  - d. Corridor Management Committee
  - e. Cruise Ship Task Force
5. Each member representing an organization shall serve as its liaison, keeping the respective group informed of Task Force progress and involving the organization’s members in Task Force decision-making.
6. All meetings of the Task Force shall be open to the public and notice thereof shall be given as provided below.
7. Discussion of Task Force business by seven or more members outside of a properly posted meeting is illegal under the Maine Freedom of Access Act and is forbidden.
8. Notice of the meetings of the Task Force shall be so given that all members shall have reasonable opportunity to make plans to attend. In advance of the meeting, members anticipating absence shall notify the Planning Director, who shall forward that notice to the officer presiding at the meeting. A member shall forfeit his/her membership on the Task Force if he/she fails to attend two meetings of the Task Force in any one calendar year without being excused by a vote of the Task Force membership.
9. A quorum of the Task Force shall consist of seven members.
10. Passage of a motion shall require the affirmative vote of a majority of those members present and voting.
11. Any member of the Task Force may submit to the Town Council a minority report during Reporting phases or on interim action recommendations.

#### **VII. ORGANIZATION**

The Task Force shall organize itself, at its first scheduled meeting, by electing a Chair, Vice Chair and Secretary. Thereafter, elections shall be held each July for all positions.

#### **VIII. DUTIES OF THE CHAIR**

1. The Chair shall preside at all meetings of the Task Force when present.
2. In the absence of the Chair, the Vice-Chair shall perform all duties of the Chair.
3. The role of the Chair is to facilitate discussion and seek consensus of the Task Force in order fulfill the Objective (Article II) and Goal (Article III).

4. The Chair shall serve as the primary point of contact for staff for the coordination of follow-up, Committee and Staff assignments, and the assembly of agendas.
5. The Chair, or his/her designee, shall present periodic progress reports to the Town Council as required by Article IV, Reporting.
6. The Chair may appoint speakers to give the Town Council both sides of any recommendation under consideration or discussion.

**IX. DUTIES OF THE SECRETARY**

1. The Secretary shall keep a faithful and complete record of all meetings, including attendance and any action taken, and provide a signed, true copy of the minutes to the Planning Department, which shall forward copies to the Town Clerk for filing and distribution to the Town Council.
2. In the absence of the Chair and the Vice Chair, the Secretary shall serve in the capacity of Chair and may appoint a Secretary Pro Tem.

**X. APPOINTMENTS AND RESIGNATIONS**

1. Task Force, seats shall be filled as follows:
  - a. For organization representatives, the respective organization shall nominate a candidate for appointment.
  - b. The names of the nominees shall be forwarded to the Town Clerk who shall refer them to the Town Council for its review and consideration.
  - c. The Town Council may appoint a member from either the nominations received or such other individual as the Council feels appropriate.
2. Members wishing to resign from the Task Force shall submit their resignation to the Town Clerk, who shall forward the resignation to the Town Council for acceptance. As a courtesy, the resigning member should also inform staff or the Task Force Chair.

**XI. MEETINGS**

Meetings shall be conducted no more frequently than monthly, with the schedule of meetings approved by the Task Force. The Planning Director shall schedule the first meeting of the Task Force at a time convenient for a majority of the members.

**XII. AGENDA**

1. Regular meetings shall be conducted utilizing the following order of business:
  - a. Call to Order
  - b. Approval of Minutes
  - c. Adoption of Agenda
  - d. Staff Reports
  - e. Regular Business
  - f. Public Comment
  - g. Matters for Next Meeting
  - h. Date/Time/Location for Next Meeting
  - i. Adjournment
2. The Planning Director in consultation with the Chair shall set the agenda.

3. Copies of the agenda shall be mailed to the Task Force and the local press at least five days prior to a meeting.
4. The agenda shall be posted in the Municipal Offices at least five days prior to a meeting.
5. Items for the agenda shall be submitted to the Planning Director by noon six days prior to the meeting.
6. Once posted, no items may be added to the agenda, except that by a two-thirds vote of the Task Force members present and voting, the Task Force may add items where:
  - a. Significant inconvenience may result if the matter is postponed, or
  - b. The routine nature of the request is expected to be of little public interest.

### **XIII. PROCEDURE**

Unless otherwise provided herein, the officers and members shall conduct all meetings as set forth in the latest edition of Robert's Rules of Order.

### **XIV. TERMINATION**

Unless these bylaws are amended by the Town Council, the Task Force shall automatically terminate twenty-four months from the first meeting.

### **XV. AMENDMENT**

These bylaws may be amended only by action of the Town Council.

- 
2. **Appointment** – *Review and consideration of the Chamber of Commerce nomination of its Executive Director, Chris Fogg, to fill the open Chamber seat on the EDTF.* – Mr. Paradis nominated Chris Fogg to fill the open Chamber seat on the Economic Development Task Force. Council unanimously appointed Chris Fogg to the Economic Development Task Force.

**G. General Assistance Fair Hearing Authority** – *Request of the Town Manager for appointment of a party to administer GA appeals.* – Mr. Paradis, with second by Mr. Garland, moved to endorse the League of Towns concept of sharing General Assistance Administrators for appeals, pending review of an interlocal agreement. Motion passed 7-0.

**H. FY09 Budget Transfers** – *Request of the Town Manager for a transfer of funds between water accounts to accommodate changes in the water treatment process and in accounting methods.* – Mr. Paradis, with second by Ms. Schloss, moved that the Treasurer adjust the Water Division budgets in accordance with his memo dated January 29, 2009. Motion passed 7-0.

**I. Vacation Rentals Implementation** – *Request of Councilor Paradis to place on the June ballot a question to allow Vacation Rentals in all districts.* – Mr. McFarland, with second by Mr. Jordan, moved to reconsider the motion, item VI(D) of the January 6, 2009 regular meeting, to direct



staff to prepare an order for an amendment to the Land Use Ordinance for June Town Meeting as follows:

- a. Amend the table of Permitted Uses (Appendix C) to allow vacation rentals in all districts.
- b. Remove item G of section 125.54 under Article IV (Nonconformity).

Following much discussion, Ms. Schloss moved the question. The motion died due to lack of a second.

Upon further discussion, the motion to reconsider for discussion passed 4-3 (Nay: Ms. Eveland, Ms. Schloss, Mr. Garland).

Discussion continued, the vote to reconsider the main motion failed 3-4 (Nay: Mr. Veilleux, Mr. Garland, Ms. Eveland, Ms. Schloss)

**J. Land Use Ordinance Amendments: June 2009 – Signage and Design Review Board Jurisdiction – Approval of language for the draft Council Order placing this ordinance on the June Town Meeting ballot. – Mr. Paradis, with second by Mr. Veilleux, moved to direct staff to modify language of the draft order for the amendment to change standards for Signage and Design Review Board Jurisdiction as follows:**

- a. Change the sentence “No light-emitting-diode signs are allowed” to read “No light-emitting-diode (LED) motion signs are allowed” from item 3(e) on page 3.
- b. Change item 4(j) on page 5 to read: “A sign indicating a business is open or closed, and/or a sign indicating hours of operation, not to exceed one each per entry and not to exceed more than one square foot each. In the case of a combination sign, it shall not exceed two square feet in total.”
- c. Change item 4(l) on page 5 to read: “Internally lit vending and dispensing machines facing a residential district if screened to prevent the visibility of light from neighboring properties.” Motion passed 7-0.

In addition, Mr. Paradis, with second by Mr. Veilleux, moved to remove the word “Authorized” from item 2(a) on page 2. Motion passed 7-0.

There were other grammatical errors brought forth for the final draft.

**K. Treasurer’s Warrant – Request of Treasurer to authorize paid bills. – Mr. Paradis, with second by Mr. Veilleux, moved to sign the Treasurer’s Warrant for paid bills. Motion passed 7-0.**

**VII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA**

**Ms. Schloss** inquired if next agenda the discussion of a moratorium in Town Hill be an item in response to Kyle Avila’s letter of suggestion with regards to construction of a new Hannaford’s store.

**Mr. Garland** stated that a representative from Hannaford should plan to attend the Town Hill Neighborhood meeting scheduled by the Planning Department for February 11<sup>th</sup>.

**Mr. Paradis** reported that he received a number of complaints regarding the condition of the sidewalks this winter. He announced to the public to please be patient, that the Town staff is aware of this and doing everything that can be done given the fact that Public Works experienced equipment breakdowns, unusually cold weather, icy storms, and the fact these factors lead to a tighter budget. Town staff is trying to balance all these factors to keep expenses under control.

He also reported that he had the pleasure of getting a tour of the Town's new fire truck and was impressed with what we received for our money. He would encourage everyone to get the same tour.

He reminded everyone that the next Town Council meeting on February 10<sup>th</sup> is the public hearing on the FY10 budget tentatively adopted by Council. He encouraged all to attend this meeting. He noted that this was where the public can make specific comments, and is the last chance for the Council to change the budget before it is forwarded to the Warrant Committee.

**Ms. Eveland** comment reminded everyone of the FY10 Budget Public Hearing on February 10<sup>th</sup> at 7:00 p.m.

#### **VIII. MATTERS FOR POSSIBLE EXECUTIVE SESSION:**

**A. Town Manager's Contract Renewal** – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – At 10:13 p.m., Mr. McFarland, with second by Mr. Jordan, moved to go into executive session, following a break, as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 7-0. Council went into executive session at 10:24 p.m. Council came out of executive session at 10:41 p.m.

**IX. ADJOURNMENT** – Mr. Paradis, with second by Mr. Veilleux, moved to adjourn at 10:41 p.m. Motion passed 7-0.

---

Paul Paradis, Secretary